

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 27 - May 1, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-27	OPP CANC	82,098 19,780	Penguin Books Ltd. v. Rainer Eberhard dba Penguin Computer Consultants	Simms* Cissel Hanak	2(d); whether the goods in one of opposer's pleaded registrations should be restricted under Section 18	Opposition Sustained; Petition for Partial Cancellation (i.e., Sec. 18 restriction) Denied	PENGUIN (and design) [books]; PENGUIN [pre-recorded computer programs] [It is the latter registration which is the object of the petition for partial cancellation (Section 18 restriction).]	penguin design [computer programs and instruction manuals therefor sold together as a unit for maintenance management]			No
4-29	CANC (On Remanded from Fed. Cir.)	19,291	Metro Traffic Control, Inc. v. Shadow Network, Inc. and CitiTraffic Corp.	Rice Cissel* Hanak (D)	2(d) [priority]; fraud; affirmative defenses of laches, unclean hands, etc.	Petition to Cancel Granted	"SHADOW TRAFFIC" [radio broadcasting of traffic and transit information]	"SHADOW TRAFFIC" [radio broadcasting of traffic and transit information]			No
4-29	EX	74/580,166	Tempo G	Simms Seeherman* Hairston	2(e)(1)	Refusal Affirmed		"GEL-TAPE" [flexible pressure sensitive adhesive base carrier tape for automatic handling of raw wafer dies and other surface-mount components]		Weigell	No
4-29	EX	74/695,068	Burlington Coat Factory Warehouse Corp.	Seeherman* Hanak Walters	2(d)	Refusal Affirmed		"AQUA TOGS" [rainwear and outerwear, namely, jackets, coats, overcoats, top coats, car coats, parkas, ski jackets, and wind breakers]	"AQUA GEAR" (and design) [footwear and clothing, namely, jackets, t-shirts, shorts, wet suits, etc.]	Vana	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 27 - May 1, 1998 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-29	OPP	90,333	Converse Inc. v. Michael Wilkerson Jones	Cissel Quinn Hairston*	2(d)	Opposition Sustained	"ALL STAR" [athletic shoes, sports bags, shirts, eyewear]; "ALL STAR" (and design) [footwear]; "CHUCKS CONVERSE ALL STAR" (and design) [sweaters, pants, shirts, shorts, jackets, warm-up suits]; "CONVERSE ALL STAR CHUCK TAYLOR" (and design), applied to side of footwear [footwear]; "CHUCKS CONVERSE ALL STAR" (and design) [all purpose sport bags]; "CONVERSE ALL STAR" (and design) [footwear]; "ALL STAR FIELDERS CHOICE" [footwear]; "COVERSE ALL STAR CHUCK TAYLOR" (and design) [footwear]	"RAP ALLSTARS" [clothing and apparel, namely, pants, tops, bottoms, shirts, jackets, coats, neckwear, headwear, sleepwear, underwear, shorts, vests, swimwear, sweat pants, sweat shirts, sweat suits, vests, jump suits, overalls, suspenders, belts and footwear]			No
4-29	OPP	97,660	NationsBank Corp. v. Nation One Mortgage Co., Inc.	Simms Seeherman Hohein*	2(d); whether opposer established a "family of marks"	Opposition Sustained (on the basis of individual marks asserted by opposer; "family of marks" not proved)	"NATIONSBANK," "NATIONSBANC" and other members of a family of marks incorporating the "NATIONS" element [banking services, mortgage banking services, etc.]	"NATIONONEMORTGAGE" [mortgage banking services]			No

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 27 - May 1, 1998 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-30	EX	74/403,014	Delta Queen Steamboat Co.	Cissel Hanak Hairston*	whether the specimens of record demonstrate trademark use applicant's mark in connection with the goods identified in the application	Refusal Affirmed		"AMERICAN QUEEN" [art prints]		Mani	No
4-30	EX	74/468,877	California Fragrance Co.	Cissel Seeherman Walters*	2(e)(1); whether the term applicant seeks to register is registrable under Sec. 2(f)	Refusal Affirmed		"MUSCLE SOAK" [medicated and non-medicated bath salts, bath gels and body lotions]		Nelson	No
4-30	EX	74/688,995	Melanie Mitchell	Simms Quinn Walters*	2(e)(1)	Refusal Affirmed		"THE LITTER SIFTER" [cat litter scoops]		Cordova	No
4-30	OPP	95,370	Diplomat Corp. v. E-OK, Inc.	Sams Simms* Quinn	2(d)	Opposition Sustained	"ECOLOGY KIDS" [underwear for infants, diapers and related products including diaper covers, sleeping pants and training pants]	"ECO KIDS" (in stylized lettering, incorporating the "ecology symbol" in place of the letter "O") [t-shirts and sweatshirts]			No
5-1	EX	74/692,688	Andre Romanelli, Inc.	Cissel* Hairston Walters	2(d)	Refusal Affirmed		"MARIO RINALDI" [men's clothing, namely, suits, pants, jackets, coats, rainwear, shirts, ties and sweaters]	"RINALDI" (in stylized lettering) [women's shoes]	Stoides	No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration
- (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

April 27 - May 1, 1998 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-1	EX	74/650,283	International Data Group, Inc.	Sams Quinn* Hohein	2(e)(1)	Refusal Affirmed		"WEBMEDIA" [organizing and conducting a trade show exhibition and exposition in the field of computers, communications, and information technology]		Carmine	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member